

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





75-1059

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PMS

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

NO. 75-1059

UNITED STATES OF AMERICA

Appellee

VS.

THOMAS JOSEPH HERRMANN

Appellant

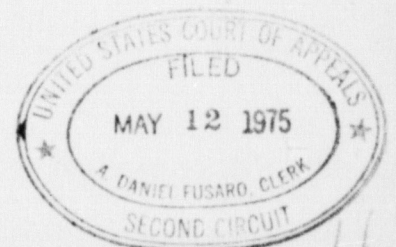
ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF CONNECTICUT

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JOINT APPENDIX

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ALAN NEIGHER  
855 Main Street, Suite 325  
Bridgeport, Connecticut 06604  
Counsel for Defendant - Appellant  
Thomas Joseph Herrmann



4.

PAGINATION AS IN ORIGINAL COPY

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CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

12860

D. C. Form No. 100 Rev.

TITLE OF CASE		ATTORNEYS
THE UNITED STATES		For U. S.:
vs.		Stewart H. Jones, U.S. Attorney
THOMAS JOSEPH HERRMAN		Peter A. Clark, Asst. USA
and		Federal Building
GEORGE BEWLEY BUCHANAN		New Haven, Conn.
		For Defendant:
BUCHANAN: Alphonse C. Jachimczyk		41 Bank St., Stamford, Ct. 06901
HERRMAN: Alan Neigher		E. Eugene Spear
855 Main Street		1115 Main St.
Suite 825		Bridgeport, Conn.
Bridgeport, Conn. 06604		

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
		1974			
J.S. 2 mailed	Clerk	10/31	A. Neigher (Appeal)	5 00	
J.S. 3 mailed /	Marshal	10/31	Deposit: G.F.100869		5 00
Violation U.S. CODE	Docket fee				
Title 18					
Sec. 2113(a);2113(b) and 2113(d)					

DATE	PROCEEDINGS
1970	
10/29	The Grand Jury at New Haven returned a True Bill of Indictment charging violation of 18 USC 2113(a)-ct.1-taking by force from another, money belonging to bank insured by FDIC; 2113(b)-ct.2- taking with intent to steal and carrying away, money in excess of \$100 belonging to and in care of bank insured by FDIC; 2113(d)-ct.3- in committing acts allged in Cts. 1 & 2- putting in jeopardy life of another by use of a dangerous weapon. Both defendants are presently incarcerated. U.S. Commissioner's bond of \$50,000.00 with surety for each defendant may continue. (Zampano, J.) m-10/30/70.
8/27	Commissioner's papers filed re: Def. BUCHANAN. Record of proceedings; Warrant of Arrest; Complaint; and Affidavit of Edwin W. Duffum.
10/9	Appearance of Alphonse C. Jachimczyk entered for Def. Buchanan.
8/27	Commissioner's papers filed re: Def. HERRMAN; Record of proceedings; Warrant of Arrest, Complaint, Affidavit of Edwin Duffum.
9/2	Commissioner's paper filed re: Def. HERRMAN. Warrant of Arrest with Return Complaint, Affidavit of Edwin Duffum and Temporary Commitment.
9/18	Record of Proceedings before U.S. Commissioner, filed. Re: Def. Herrmann.
10/9	Appearance of Thomas Joseph Herrmann entered for Def. Herrman for purpose of Bail Reduction Hearing only.
10/9	Motion For Reduction of Bail filed by Def. Thomas Joseph Herrmann.

DATE	PROCEEDINGS
1970	
11/9	Commissioner's papers filed.- Record of proceedings; Warrant of Arrest; Complaint Affidavit of Edwin W. Buffum and Temporary Commitment.
12/12	Herrmann: Motion For Reduction of Bail filed by defendant. Noted for hearing, 11/23/70 at New Haven.
11/9	Buchanan: PLEA of not guilty entered to Counts 1,2 and 3. Case continued on same bond for trial. Ten days allowed for motions. (Zampano, J.) m-11/12/70.
11/9	Herrmann: PLEA of not guilty entered to Counts 1,2, and 3. Case continued on same bond for trial. Ten days allowed for motions. (Zampano, J.) m-11/12/1970.
11/23	Defendant Herrmann's Motion For Reduction of Bail-CONTINUED to next criminal motion calendar. (Zampano, J.) m-11/24/70.
12/10	Report of proceedings before U.S. Commissioner, filed re: Def. Herrmann.
1971	
1/15	Motion to Withdraw as Attorney filed by James F. Bingham. Motion For Reduction of Bail, filed by defendant. Noted for hearing 1/25/1971.
1/15	Court Reporter's Sound Recording of proceedings held on November 9, 1970, filed. Both Defendants-Plea (Russell, R.)
1/25	Government's Response to Defendant Thomas Herrmann's Motion For Reduction of Bail, filed.
1/25	Defendant Herrmann's Motion For Reduction of Bail and Motion of James F. Bingham to withdraw as Attorney for Defendant Herrmann TRANSFERRED to Judge Timbers Calendar. (Zampano, J.) m-1/26/71.
1/22	Court Reporter's Notes of proceedings held on November 9, 1970, filed. Pleas-Both Defendants (Russell, R.)
1/25	Court Reporter's Notes of proceedings held on November 23, 1970, filed. (Russell, R.)
1/25	Court Reporter's Notes of proceedings held on December 21, 1970, filed. Motion OFF Both Defendants (Russell, R.)
1/26	Endorsement entered on Attorney's Motion to Withdraw: "1/25/71. Over to Judge Timbers next criminal calendar." (Zampano, J.) m-1/27/71. Endorsement entered on Defendant Herrmann's Motion For Reduction of Bail: "1/25/71. OVER to Judge Timbers' next criminal motion calendar." (Zampano, J.) m-1/27/71. Copies of endorsements mailed Attn. Jones and Jachimeczak and Bingham.
2/3	Motion for Reduction of Bail, filed by defendant Herrmann.
2/24	Following endorsement on defendant HERRMAN'S Motion for Reduction of Bail: "Motion continued to 3/8/71 per agreement of counsel." Timbers, J. m-2/24/71. Copies mailed to counsel.
2/24	Following endorsement on defendant HERRMAN'S Motion to Withdraw as Attorney: "Motion continued to 3/8/71 per agreement of counsel." Timbers, J. m-2/24/71. Copies mailed to counsel.
3/8	Hearing held on (1) Defendant's (Herrman) Motion for Reduction of Bail. Motion continued to 3/22/71 upon condition that it be determined on the merits on said date without bail. Motion endorsed accordingly and copies mailed to counsel, and defendant; and (2) Motion of James F. Bingham to Withdraw as Attorney for Defendant Herrman. Motion granted; provided that counsel notify defendant forthwith in writing to retain new counsel or to apply immediately for the appointment of counsel. Motion endorsed accordingly and copies mailed to counsel and defendant. Latimer, M. m-3/8/71.
3/22	Notice of Reduction of Bail, filed by defendant pro se.
3/22	HERRMAN: Hearing held on Defendant's Motion for Reduction of Bail. Motion off, for failure to prosecute. Latimer, Magistrate. m-3/22/71.
3/23	Following endorsement on Defendant's (HERRMAN) Motion for Reduction of Bail. Motion off, failure to prosecute. Latimer, Magistrate. m-3/23/71. Copies mailed to U. S. Atty and defendant.
3/29	CJA Form 1 appointing E. Eugene Spear, Esq., as court appointed counsel, filed. (Saden, U.S. Magistrate) (contd)



DATE	PROCEEDINGS
1971	
3/29	CJA Form 1 appointing E. Eugene Spear, Esq., as court appointed counsel, filed by U.S. Magistrate George A. Saden.
4/5	Notice of Motion for Reduction of Bail, filed. (Noticed for 5/12/71)
4/6	Following endorsement on defendant HERRMANN'S Notice for Reduction of Bail: Motion continued at the request of court-appointed counsel for defendant, and marked over to Judge Clarie's next criminal calendar. Latimer, M. m-4/6/71. Copies mailed to counsel and defendant.
4/5	Hearing held on Defendant's (Herman) Motion for Reduction of Bail. Eugene Spear, Esq., appointed as counsel for Herrmann. Motion over to 4/12/71. Latimer, M. m-4/5/71.
4/19	Hearing held on Defendant's (HERRMAN) Motion for Reduction of Bail, Motion denied. Claire, J. m-4/20/71.
4/20	On TEC's Jury Assignment List. Set for trial on May 11, 1971, at Hartford. Claire, J. m-4/21/71.
5/11	BUCHANAN: CHANGE OF PLEA - Defendant requests leave of court to change his plea of not guilty. Court grants request. Defendant pleads guilty to Count 1. Case continued on same bond for sentencing. Zampano, J. m-5/13/71.
5/13	HERMAN: Change of Plea - Defendant requests leave of court to change his plea of not guilty. Court grants request. Defendant pleads guilty to Count 1. Case continued on same bond for sentencing. Remaining counts to be dismissed at time of sentencing. Claire, J. m-5/14/71.
5/14	HERRMAN: Appearance Bond in the amount of \$50,000.00 (personal recognizance), filed. Approved: Claire, J. m-5/14/71.
6/23	Court Reporter's notes of proceedings held on May 13, 1971, filed at Hartford, (Sperber, R.).
7/2	Court Reporter's Notes of proceedings held on April 19, 1971, filed at Hartford. (Sperber, R.) Deft.-Hermann
7/26	DISPOSITION: Buchanan- 11 years imprisonment on Count 1. After 10 days government will dismiss Counts 2 and 3. (Zampano, J.) m-7/27/71.
7/27	BUCHANAN: Judgment and Commitment, filed and entered. Zampano, J. m-7/27/71. True attest copies handed to U. S. Marshal at New Haven.
7/30	HERMANN: DISPOSITION - Continued to first criminal day in September. Claire, J. m-8/2/71.
8/2	BUCHANAN: Marshal's return showing service, filed. Judgment and Commitment at Lewisburg, Pa.
8/11	Motion to Dismiss Counts 2 and 3 of Indictment with Order granting same thereon filed and entered. (Zampano, J.) m-8/11/71. BUCHANAN.
9/16	Order Denying Motion to Reduce Sentence, filed and entered. Ordered that defendant's motion for reduction of sentence be, and the same hereby is, denied. Zampano, J. m-9/17/71. Copies mailed to counsel and defendant. BUCHANAN.
9/15	Court Reporter's Notes of proceedings held on July 26, 1971, filed. Disposition-Buchanan (Russell, R.)
9/27	HERMANN: DISPOSITION - Imprisonment for eleven (11) years. Sentence to run consecutive to present State sentence now being served. Counts 2 and 3 dismissed, Order filed. Claire, J. m-9/28/71.
9/29	Judgment and Commitment filed and entered. (Claire, J.) m-9/30/71. Copies handed U.S. Marshal for service. Def. HERMANN.
9/27	Motion to Dismiss Counts 2 and 3, filed with Order thereon granting same filed and entered. (Claire, J.) m-9/30/71.
10/8	Court Reporter's Notes of proceedings held on July 30, 1971, filed at Hartford. Continued (Mahoney, R.) Deft.-Hermann
10/13	Court Reporter's Sound Recording of proceedings held on September 27, 1971, filed at Hartford. Disposition Deft.-Hermann (Sperber, R.)
10/8	Court Reporter's Notes of proceedings held on September 27, 1971, filed at Hartford. Disposition Deft.-Hermann (Sperber, R.)

DATE	PROCEEDINGS
1971 11/17	HERRMAN: Notice of Motion and Motion for Modification of Sentence, filed, by defendant. (Noticed for 12/13/71 at Hartford)
12/20	Hearing held on Def. Herrman's Motion For Modification of Sentence. DENIED. (Clarie, J.) m-12/21/71.
12/21	Endorsement entered on Def. Herrman's Motion For Modification of Sentence: "Dec. 20, 1971. Motion for modification of sentence denied." Clarie, J. m-12/21/71. Copies mailed Attys. Jones and Spear.
1972 1/17	Order Denying Motion to Reduce Sentence, entered and filed. Re: George B. Buchanan. Copies of order mailed Attorneys Jones, Jachimczyk and defendant.
1/26	Court Reporter's Sound Recording of proceedings held on July 26, 1971, filed. Deft.-Buchanan Disposition (Russell, R.)
3/9	HERRMAN: CJA Form 4 executed, approved by the Court (Clarie, J) and mailed to A.O. for payment.
1973 1/31	BUCHANAN: Motion for Sentence Modification Pursuant to Rule 35, F.R.Crim.P., filed by defendant.
2/6	BUCHANAN: Order Denying Motion to Reduce Sentence, filed and entered. Zampano, J. m-2/7/73. Copies mailed to counsel and petitioner.
3/1	BUCHANAN: Motion for Sentence Modification Pursuant to Rule 35 and Rule 36 of FRCrimP., filed by defendant.
3/15	BUCHANAN: Puling on Petition for Reconsideration of Order Denying Sentence Modification, filed and entered. Ordered that petitioner's motion for modification be and the same hereby is again denied. Zampano, J. m-3/15/73. Copies mailed to counsel and petitioner.
1974 9/3	HERRMANN: Motion for Suspension of Sentence and Probation, Or For Modification of Sentence And/Or Other Relief and Preliminary Memorandum in Support Thereof, filed by the defendant.
9/9	HERRMANN: Defendant's Motion for Suspension of Sentence and Probation, or for Modification of Sentence and/or Other Relief on TEC's Misc. Calendar. Marked off. Clarie, J. m-9/10/74.
9/11	HERRMANN: Court Reporter's Transcript of proceedings held Sept. 27, 1971, filed. Sperber, R.
9/17	HERRMAN: Court Reporter's Transcript of proceedings held on December 20, 1971, (Motion for Modification of Sentence), filed. (Collard, R.)
10/15	HERRMAN: Defendant's Motion for Suspension of Sentence and Probation, or for Modification of Sentence and/or Other Relief, denied in accordance with Rule 35. Clarie, J. m-10/17/74.
10/18	HERRMAN: Following endorsement on defendant's Motion for Permission to Examine Presentence Report: "Motion for permission to examine pre-sentence report at the Federal Probation Office is granted. So Ordered. Clarie, J. m-10/17/74. Copies mailed to counsel and to Probation Office at Hartford.
10/25	HERRMANN: Notice of Appeal from order entered Oct. 15, 1974, filed by defendant. Copies mailed to counsel. Certified copy of Notice of Appeal and docket entries mailed to U.S. Court of Appeals.
10/29	HERRMANN: Memorandum in Support of Motion to Vacate And Correct Sentence, filed by defendant.
" ✓	HERRMANN: Motion to Vacate and Correct Sentence, filed by defendant.
10/30	HERRMANN: Correction in Memorandum in Support of Motion to Vacate and Correct Sentence, filed by defendant.
10/31	HERRMANN: Endorsement as follows on defendant's Motion for Suspension of Sentence and Probation, Or For Modification of Sentence

(continued)



DATE	PROCEEDINGS
1974	
	And/Or Other Relief: "The defendant's motion for suspension of sentence, probation, or modification of sentence, is denied pursuant to Rule 35, Fed. R. Crim. P. SO ORDERED."
	Clarie, J. m- Copies mailed to counsel.
11/13	Record on Appeal sent U.S. Court of Appeals. Copies of index sent Attys. Dorsey, Neigher and Spear.
11/18	Receipt of Record on Appeal received from the U.S. Court of Appeals.
11/15	Court Reporter's Notes of proceedings held on Oct. 15, 1974 (Motion), filed at Hartford. Sperber, R. (Deft. Herrmann)
11/25	On TEC's Miscellaneous Calendar: Motion to Vacate and Correct Sentence, continued to Dec. 2, 1974. Clarie, J. m-11/26
11/26	HERRMAN: Motion to Enlarge the Time for Docketing the appeal, filed.
11/27	HERRMAN: Hearing on Motion to Vacate and Correct Sentence over to Dec. 9, 1974, at 10:00 A.M. Clarie, J. m-11/27/74.
12/2	HERRMAN: Petition for Writ of Habeas Corpus Ad Testificam filed and approved. Clarie, J. m-12/2/74
12/2	HERRMAN: Following endorsement on Defendant's Motion to Enlarge the Time for Docketing the Appeal, "Continued to December 1974 by consent of counsel." Clarie, J. m-12/3/74. Copies mailed to counsel.
12/9	HERRMAN: Hearing on Motion to vacate and To Correct Sentence "Decision Reserved." Defendant sworn and testified. 1 Defendant's counsel sworn and testified. Clarie, J. m-12/10/74
12/12	Marshal's return showing service, filed: Writ of Habeas Corpus (Herrman).
1975	
1/3	HERRMAN: Ruling on Motion To Vacate and Correct Sentence and entered. "The petitioner's motion to vacate and correct sentence is accordingly denied. SO ORDERED." Clarie, J. m-1/6/74 copies mailed to counsel of record
1/3	Court Reporter's Notes of Proceedings held on Dec. 9, 1974 (Criminal Motions). filed Sperber, R.
1/9	Marshal's return showing service, filed. Judgment and Commitment (HERMANN) committed to C.C.I. at Somers, Connecticut
1/13	HERMANN: Notice of Appeal, filed by defendant. Copies mailed to Counsel.
1/14	HERMANN: Certified copies of docket sheets and Notice of Appeal sent to U.S.C.A.



UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :  
 :  
 V. : CRIMINAL NO. 12,860  
 :  
 THOMAS JOSEPH HERMANN :

INDEX TO RECORD ON APPEAL  
Appeal from order denying Motion  
to Vacate and Correct Sentence

DOCUMENT NO.

Copy of Docket Entries	A
Motion to Vacate and Correct Sentence filed October 29, 1974	1
Ruling on Motion to Vacate and Correct Sentence	2
Notice of Appeal filed January 13, 1975	3
Clerk's Certificate	4

6a

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :

VS. :

THOMAS JOSEPH HERRMANN :

CRIMINAL NO. 12,866

INDEX TO SUPPLEMENT TO RECORD ON APPEAL

DOCUMENT NO.

VOLUME I

Court Reporter's Transcript of proceedings of May 13, 1971 1

VOLUME II

Stipulation filed April 14, 1975 that Pre-sentence Report be made part of Record on Appeal with Order granting same thereon 2

Copy of Pre-sentence Report 3

Clerk's Certificate 4

6a 7a



1 UNITED STATES DISTRICT COURT

2 DISTRICT OF CONNECTICUT

3 \* \* \* \* \*

4 UNITED STATES OF AMERICA \* CRIMINAL ACTION

5 vs. \* NO. 12,860

6 THOMAS JOSEPH HERRMANN \* MAY 13, 1971

7 \* \* \* \* \*

8 Before: HON. T. EMMET CLARIE, U.S.D.J.

9  
10 \_\_\_\_\_  
11 CHANGE OF PLEA  
12 \_\_\_\_\_  
13

14 A p p e a r a n c e s:

15 For the United States of America:

16 PETER A. CLARK, ESQ.  
17 Assistant U. S. Attorney  
18 Church Street  
New Haven, Connecticut

19 For the Defendant:

20 EUGENE SPEAR, ESQ.  
21 1115 Main Street  
Bridgeport, Connecticut

22  
23  
24 ELLIOTT SPERBER  
25 Official Court Reporter  
United States District Court

1 MR. CLARK: This is United States versus  
2 Thomas Joseph Herrmann, 12,860.

3 In presenting a change of plea this morning,  
4 we anticipate a plea of guilty to Count 1 of  
5 the indictment. The other two counts will be  
6 dismissed at a later date.

7 THE COURT: May I see the file, Mr. Clerk,  
8 please?

9 THE CLERK: I don't have the file.

10 THE COURT: We can't proceed with the case  
11 without a file.

12 MR. CLARK: The Clerk just took it; I  
13 thought he was bringing it in, to you.

14 THE COURT: This is Thomas Joseph Herrmann.  
15 Counsel for Mr. Herrmann?

16 MR. SPEAR: Eugene Spear, if your Honor  
17 please.

18 THE COURT: Mr. Herrmann, you heard the  
19 statement of the Assistant District Attorney,  
20 that you desire to change your plea on one count  
21 of this indictment; is that correct?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Which of the counts do you wish  
24 to change your plea on?

25 THE DEFENDANT: I believe it is Count 1,



1 your Honor.

2 THE COURT: Count Number 1.

3 Is that your understanding, Counselor?

4 MR. SPEAR: Yes, if your Honor please.

5 THE COURT: Before permitting a plea over  
6 again on Count 1, Mr. Herrmann, the Court would  
7 inquire of you first, has counsel advised you  
8 what the maximum penalty could be on this particu-  
9 lar count?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: What did he tell you?

12 THE DEFENDANT: 20 years, or \$5,000 fine,  
13 or both.

14 THE COURT: And has your counsel, or anyone  
15 in the District Attorney's office, or anyone else,  
16 either connected with the court or otherwise,  
17 made any promise to you as an inducement to get  
18 you to change your plea, expressing what disposi-  
19 tion the Court would make of your case in the  
20 event that you did change your plea?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: In other words, the decision to  
23 change your plea is made of your own free will?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: With that understanding, the plea

1 of not guilty on Count 1 may be erased, and  
2 Mr. Clerk, you will put the Defendant to plea  
3 over again at this time on Count 1.

4 THE CLERK: Does your client wish to waive  
5 the reading of the indictment?

6 MR. SPEAR: We can waive.

7 THE COURT: Are you familiar with its con-  
8 tents, without it being read? Because it can be  
9 read just as easily.

10 THE DEFENDANT: Yes, your Honor, I'm familiar  
11 with it.

12 THE COURT: Would you like to have it read?

13 THE DEFENDANT: It is all right.

14 THE CLERK: Criminal Action 12,860, United  
15 States of America versus Thomas Joseph Herrmann.

16 As to Count 1 of the indictment, charging  
17 you in violation of Title 18, United States Code,  
18 Section 2113(a), how do you plead?

19 THE DEFENDANT: Guilty.

20 THE CLERK: Your Honor, the Defendant pleads  
21 guilty to Count 1 of the indictment.

22 THE COURT: Before accepting the plea of  
23 guilty, Mr. Herrmann, the Court would inquire of  
24 you, what do you understand that you are admitting  
25 by this plea of guilty to Count 1?



THE DEFENDANT: Bank robbery.

THE COURT: More specifically, what particular bank robbery?

THE DEFENDANT: Georgetown -- Union Trust Company, in Georgetown.

THE COURT: And was there a gun used in connection with the robbery?

THE DEFENDANT: Yes, your Honor.

THE COURT: And did you have a gun in your possession at the time you participated in the robbery?

THE DEFENDANT: Yes, your Honor.

THE COURT: And during the course of the robbery, were there, or was there money and other goods taken from the bank, by the use of force and violence -- the use of a gun?

THE DEFENDANT: Yes, your Honor.

THE COURT: Now, during the past 24 hours, have you had any medication or drugs?

THE DEFENDANT: No, your Honor.

THE COURT: So that you are in good health in every respect?

THE DEFENDANT: Yes, your Honor.

THE COURT: Has counsel for this Defendant investigated to determine whether or not any

1 illegal confession or any illegal or unlawful  
2 search and seizure occurred in this case, which  
3 might in any way cause this guilty plea to be  
4 involuntary?

5 MR. SPEAR: I have, your Honor, and I have  
6 found none.

7 THE COURT: And Mr. Herrmann, you've heard  
8 your counsel's statement and representation of  
9 you in this matter; are you satisfied with his  
10 representation of you?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Counsel for the Government,  
13 what would you be prepared to prove in this case?

14 MR. CLARK: Your Honor, the Government  
15 would prove that on the morning of August 14,  
16 1970, two males entered the Georgetown Branch  
17 of the Union Trust Company, and robbed the bank  
18 at gunpoint of a sum of \$3,124.95.

19 We would further show that the Georgetown  
20 Branch of the Union Trust was a bank insured by  
21 the Federal Deposit Insurance Company, and we  
22 would introduce testimony of tellers, a bank  
23 messenger and a customer in the bank, that Mr.  
24 Herrmann was one of the bank robbers.

25 We would further introduce testimony of

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1 witnesses who placed them in the parking lot,  
2 from which the getaway car was stolen.

3 THE COURT: Were there any pictures in this  
4 case?

5 MR. CLARK: Yes, your Honor, there were  
6 approximately 250 frames of bank surveillance  
7 films, that showed the Defendants in various  
8 angles, and showed them quite clearly.

9 There were no disguises used in this robbery,  
10 other than hats and sunglasses.

11 THE COURT: You have heard the statement of  
12 the Assistant District Attorney, Mr. Herrmann.  
13 And it is your request that the Court accept your  
14 plea of guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Very well. The Court accepts  
17 the plea of guilty on the first count.

18 Is there a bond in this case, gentlemen?

19 MR. CLARK: Your Honor, the Defendant is  
20 incarcerated in Bridgeport, in lieu of bond at  
21 this time.

22 THE COURT: How much is the bond?

23 MR. CLARK: \$50,000.

24 THE COURT: The same bond may continue.

25 The matter will be continued for pre-sentence

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1 investigation, which usually takes about two  
2 weeks.

3 MR. SPEAR: If your Honor pleases, Mr.  
4 Herrmann was sentenced last Friday in the  
5 Superior Court in Bridgeport, on various charges.  
6 The effect of the sentence being five to seven  
7 years.

8 I would request, if your Honor pleases,  
9 that he at this point be released to begin  
10 serving that particular sentence today, if  
11 possible.

12 MR. CLARK: The Government would not object  
13 to that, your Honor.

14 THE COURT: In other words, is there a  
15 sheriff from the State present here, to bring  
16 him back?

17 MARSHAL DIRIENZO: I can have a sheriff  
18 here within an hour, your Honor, and I can re-  
19 tain custody until the sheriff arrives.

20 THE COURT: The Court will sign the custody  
21 order when the sheriff arrives with the proper  
22 papers to take him into custody. Until then,  
23 the bond remains.

24 When the sheriff arrives and satisfies the  
25 Court that he has proper papers to take him into



1 custody, the Court will then modify the bond,  
2 and counsel will prepare the papers for me to  
3 sign. I will then modify it so that he can be  
4 released on his own recognizances.

5 Is that the procedure?

6 MR. CLARK: I believe so, your Honor.

7 THE COURT: As long as we know that he is  
8 in custody.

9 Is there an appeal pending on this State  
10 matter?

11 MR. SPEAR: I did not represent him, but I  
12 don't believe so.

13 THE COURT: I wouldn't want the situation  
14 to exist that an appeal would be filed in the  
15 State Court, and then they release him on a  
16 \$100 bond, and he'd be on the street holding up  
17 some other bank or something.

18 I wouldn't want that to occur.

19 MR. CLARK: I understand that, your Honor.  
20 There was a guilty plea entered in the State  
21 proceedings, and we don't anticipate an appeal  
22 in that matter.

23 THE COURT: Are you satisfied with the  
24 procedure that has just been requested, that it  
25 is in order?

1 MR. CLARK: Yes, your Honor. The Government  
2 has no objection to that procedure.

3 THE COURT: Prepare the proper papers, and  
4 when the sheriff arrives with the mittimus, the  
5 Court will execute the modification, accordingly.

6 MR. CLARK: Thank you.

7 MR. SPEAR: Thank you, your Honor.

8 (Whereupon the matter was concluded.)  
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PROBATION FORM 2a  
FEB 65

## UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT  
PRESENTENCE REPORT

NAME	Thomas Joseph Herrmann	DATE	July 19, 1971
ADDRESS	Connecticut State Prison Somers, Connecticut	DOCKET NO.	12,860
LEGAL RESIDENCE	893 High Ridge Road Stamford, Connecticut	OFFENSE	Bank Robbery Ct. 1 - 18 U.S.C. 2113(a) ✓ Ct. 2 - 18 U.S.C. 2113(b) Ct. 3 - 18 U.S.C. 2113(d)
AGE	28	DATE OF BIRTH	12-9-42
SEX	Male	RACE	White
CITIZENSHIP	United States	PENALTY	Ct. 1 - \$5,000 and/or 20 years Ct. 2 - \$5,000 and/or 10 years Ct. 3 - \$10,000 and/or 25 years
EDUCATION	8th Grade	PLEA	Guilty to Ct. 1, 5-15-71 Judge Clarie
MARITAL STATUS	Married	VERDICT	
DEPENDENTS	Two (Wife and one child)	CUSTODY	Connecticut State Prison
SOC. SEC. NO.	049-32-6021	ASST. U.S. ATTY	Peter A. Clark
FBI NO.	79 307 E	DEFENSE COUNSEL	Eugene F. Spear 1175 Main Street Bridgeport, Connecticut (Court Appointed)

## DETAINEES OR CHARGES PENDING:

Obtaining Money Under False Pretenses & Forgery, 2 cts., 1st Circuit Court, Norwalk  
 Obtaining Money Under False Pretenses, 2nd Circuit Court, Bridgeport  
 Obtaining Money Under False Pretenses, 2nd Circuit Court, Trumbull  
 Obtaining Money Under False Pretenses & Robbery With Violence, 3rd Circuit Court, Danbury

## CODEFENDANTS (Disposition)

George B. Buchanan, disposition ~~Receives~~ 7/26/71 - CAG 11 yrs; Judge Zampano @ New Haven.

DISPOSITION CAG 11 years, to begin upon release from State custody.

DATE 9/27/71

SENTENCING JUDGE T. Emmet Clarie @ Hartford.

OFFENSE:

Official Version. Official records of the Federal Bureau of Investigation reflect that on August 14, 1970 at approximately 11:05 A.M., two white males wearing beach type hats with brims pulled down and wearing sunglasses entered the Union Trust Company, Georgetown, Connecticut. The taller of the two men, later identified as Thomas J. Herrmann, held a small nickel or chrome plated revolver. The shorter of the two men, later identified as George B. Buchanan, entered the tellers' area and took money from both teller's booths number one and number two and placed it in a brown paper grocery shopping bag.

After Buchanan obtained the cash, both men ran out the front door, across the street and entered a 1967 Ford Mustang, whose description and license number were noted. The two then drove off in the car, turning south on Route 57 towards Weston. It was later determined that this car had been stolen approximately one-half hour earlier in Ridgefield. The car was recovered within minutes after the robbery approximately one-quarter mile from the bank.

The bank is protected by a 35 millimeter camera and a silent alarm that rings in the Connecticut State Police Barracks in Ridgefield, Connecticut. As the men entered the bank a teller immediately became suspicious and activated both the camera and the silent alarm. The film on the camera was developed and positive identifications of both defendants Herrmann and Buchanan were made by officers of the Stamford Police Department.

An audit was conducted and it was determined that \$3,124.95 was missing.

On August 22, 1970, prosecution was authorized against the defendant for bank robbery. On August 25, 1970, the defendant, Thomas J. Herrmann, was arrested by the Stamford Police Department on a Federal warrant. He was held in lieu of a \$50,000 bond.

On May 13, 1971 in the U. S. District Court in New Haven, Connecticut, the defendant pled guilty to count one of the three-count indictment which charges the defendants with taking money from the Union Trust Company, Georgetown, Connecticut, by force, violence or intimidation, in violation of 18 U.S.C. 2113(a).

On May 7, 1971 in the Superior Court in Bridgeport, Connecticut, the defendant was sentenced to the Connecticut State Prison for five to seven years and he is currently incarcerated there serving that sentence.

STATEMENT OF CODEFENDANT:

Codefendant George B. Buchanan was interviewed, at which time he admitted completely his involvement in the bank robbery. He stated that he and Herrmann had planned the bank robbery approximately three days prior and had stolen the car in Ridgefield as part of the bank robbery plan. He stated that they needed money to purchase narcotics to sustain their narcotic addiction. He further



stated that he entered the bank and gathered money while codefendant Herrmann held the weapon. The two then left the bank, got into the stolen car and drove to their own car which was located a short way from the bank, at which time they exchanged cars and returned to Stamford.

#### DEFENDANT'S VERSION OF OFFENSE:

The defendant was interviewed by U. S. Probation Officer Tommaso D. Rendino at the U. S. Marshal's office in New Haven, Connecticut on May 13, 1971. At that time the defendant admitted to robbing the bank and stated that he and codefendant Buchanan were primarily motivated to obtain money to purchase drugs. He further stated that both he and Buchanan were in need of drugs at the time and that the robbery was not a planned thing. He stated that it was more a spur of the moment affair. The defendant further states that the gun he used was not loaded. He further stated that he and codefendant Buchanan split the \$3,000 they had obtained from the robbery and that they had spent the money on drugs and other items.

#### PRIOR RECORD:

<u>Juvenile.</u>	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
1957 (Age 14)	Theft of property Disorderly conduct School referral	Stamford, Conn.	Juvenile Court.
<u>Adult.</u>			
3-25-59 (Age 16)	Breaking and entering, 2 counts	Stamford, Conn.	Referred to Juvenile Court.
11-18-59	Theft	Stamford, Conn.	Nolle.
10-16-62	Disorderly conduct	Stamford, Conn.	\$25 fine.
5-8-63	Larceny	Bergen County, N.J.	9 months suspended, 2 years probation; \$150 fine to be paid at the rate of \$3 per week.

In the above case the defendant was arrested on October 22, 1961. The report reads that the defendant and two other men riding through New Jersey picked up an 18 year old hitchhiker and began to abuse him. Finally, they stopped the car, got out and began slapping the young hitchhiker who offered them money to leave him alone. They took \$12 out of the victim's wallet, threw the wallet back to him and left him lying on the ground and rode away. When the case came to trial on May 8, 1963, the charge of robbery had been dismissed and the defendant entered a plea of guilty to the larceny charge.

11-13-64	Trespassing	Greenwich, Conn.	\$50 fine.
3-16-64	Manslaughter	Stamford, Conn.	On 2-5-65, sentenced to Connecticut State Prison to 1 year & 1 day to 3 years. Appealed and denied on 10-19-65.

The defendant was held criminally responsible for the fatal shooting of a 21 year old man, Bruce DeMarco, who had come to the defendant's apartment with a friend, George B. Buchanan, for what police described as a narcotics transaction. The victim, DeMarco, was dead on arrival at Stamford Hospital from bullet wounds suffered when he was shot at the defendant's apartment. Defendant Herrmann told police that the men had broken into the front door of his apartment and entered a hall near the living room. He said that he got out of bed and took a gun with him to investigate. Although he admitted knowing the two men, defendant Herrmann told police that he did not recognize them at first and began shooting.

4-8-64	False statement to FBI	U.S. District Court New Haven, Conn.	1 year, suspended after 30 days, 2 years probation.
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On February 7, 1964, the defendant reported to the Stamford Police Department that his 1956 Karmann Ghia Volkswagen sedan had been stolen. The Stamford police then notified the Federal Bureau of Investigation who questioned the defendant who subsequently gave them a statement as to the theft of the car. It was later determined that the defendant had had an accident in New York City while he was drinking and reported the car stolen in order to pacify his wife.

5-26-69	Attempted breaking and entering	Stamford, Conn.	1-30-70, 2 to 4 years suspended, 2 years probation.
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The defendant pled guilty to aiding, abetting, assisting and counseling one Richard R. Joss while Joss attempted to break and enter a building in the possession of Roger Taranto and used for the custody of property, with intent to commit a crime therein. The defendant also pled guilty to being a second offender with the liability of being sentenced to a term not exceeding double the term provided by law for the offense.

5-12-70	Sale of narcotics, 2 counts	Stamford, Conn.	On 5-5-71, Ct. 1 - CSP 2 to 5 years; Ct. 2 - CSP 5 to 7 years, to run concurrent.
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The police report reflects that on two separate occasions the defendant sold a quantity of heroin to undercover agents.



5-7-71

Probation violation

Bridgeport, Conn.

Probation revoked and sentence of 2 to 4 years CSP imposed, to run concurrent with above sentence.

**FAMILY HISTORY:**

Defendant. The defendant was born on December 9, 1942 in Stamford, Connecticut, the third of seven children born to William and Margaret McAuliffe Herrmann. Reportedly, the defendant represented no difficulty to the family or the community until reaching age 11. At that time he transferred to the Dolan School and began travelling with a group of boys who were in difficulties themselves. The father was a very harsh and severe disciplinarian and relationships between the two deteriorated. The mother was somewhat over protective and continually intervened on his behalf. Consequently, the defendant has been involved with police and school authorities since he was 14 years of age.

Parents and Siblings.

Father. William Herrmann, 56, is a native of Stamford and is a retired Stamford police officer. He retired in February of 1961 and now works part time at various occupations. Reportedly, the father was unduly severe and harsh with the defendant and relationships were nonexistent during the defendant's adolescence. Friends and acquaintances of the defendant's father have remarked that they felt he was unfair and extremely harsh in dealing with the defendant.

Mother. Margaret McAuliffe Herrmann, 56, is employed by the Stamford Hospital as a practical nurse. She has worked at the hospital for approximately 17 years. As previously reported, Mrs. Herrmann was somewhat over protective of the defendant, possibly in reaction to her husband's treatment of the defendant.

Brother. William F. Herrmann, III, 31 years of age, is single and resides with his parents at 833 High Ridge Road in Stamford, Connecticut. He is the owner of B & H Trucking Company in Stamford, Connecticut.

Sister. Sharon Urell, 29 years of age, is married, has three children and resides with her husband in Delaware.

Sister. Patricia Petrone, 25, is married, has three children and resides in Darien, Connecticut. Her husband is a police officer with the Stamford Police Department.

Sister. Margaret (Peggy) Ranhosky, 23 years of age, is married and resides with her husband at 22 Meadow Park Avenue in Stamford, Connecticut.

Brother. Brian Herrmann, 20 years of age, is single, resides with his parents in Stamford and is employed as a carpet installer in Stamford.

Sister. Mary Ellen Herrmann, 19 years of age, is single, resides with her parents and is employed as a secretary in Stamford.